

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD JULY 29, 2009, AT 5:30 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

---

CALL TO ORDER AND ROLL CALL

Mayor Joens called the special meeting to order at 5:30 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor  
Karen Pfeifer, Vice Mayor  
Tim Elinski, Council Member  
Duane Kirby, Council Member  
Linda Norman, Council Member  
Terence Pratt, Council Member  
Darold Smith, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	Marianne Jiménez, City Clerk
A. Douglas LaSota, Magistrate	Dan Lueder, Utilities Director
Kyla Allen, Executive Assistant to the City Manager	
Steve Horton, City Attorney (via teleconference)	

BUILDING STRUCTURE ISSUES WITH THE CURRENT MUNICIPAL COURT BUILDING AND OPTIONS FOR HOUSING THE COTTONWOOD MUNICIPAL COURT, INCLUDING THE POTENTIAL LEASE AND/OR PURCHASE OF A FACILITY TO HOUSE THE COURT OPERATIONS

Mr. Bartosh stated there was additional information to present following an initial discussion of this matter at the last meeting. Direction was requested to determine how the Council wished the question of the court building to be handled.

Mr. Lueder stated because staff personnel were not structural engineers, local architect Christian Vernosky was asked to inspect the building. A synopsis of his findings was included in the Council packets. Basically, the front of the building was historic. While the original structure was constructed of block, there were two later additions to the building constructed of wood frame rather than stone blocks. This area had unventilated wood frame floors. The attic joists were held in place by a single 2 x 8 cross member. One question was whether any mold issues could be resolved simply by a replacement of drywall. Mr. Vernosky's response was they could not. At a minimum, the rear and side walls would have to be replaced, which would require the removal of the roof or the construction of a support structure for it. There were a variety of construction and code problems which would have to be brought up to current code if the building were to be rebuilt. Another concern was what might be found when the wood frame floor was pulled up. The area not filled in with concrete was detectable because it was flexible. There were staff concerns

about investing a large sum of money in a building with serious drainage problems. Staff's recommendations were to seal off the rear portion of the building and take no action regarding it for the present time. The front portion would be bio-cleaned which would allow time to find another facility. The judge, whose office was currently in a hallway, could move to that portion of the building. Financial transactions could take place using the existing security features, which was not the case now.

Vice Mayor Pfeifer asked if the rear exit would remain and if such an arrangement would meet fire code.

Mr. Lueder stated the arrangement would be made satisfactory.

Council Member Kirby asked what the cost would be for remediation and for bringing it up to code.

Mr. Lueder stated detailed cost estimates were not discussed but he thought it would be about \$200,000. Because Verde Heights Drive was three feet higher than ground level at the rear of the building, extensive drainage work would be required.

Council Member Elinski stated the best option appeared to be sealing off the back portion for now.

Mayor Joens stated without the rear of the building there was not enough room for the court.

Mr. Lueder stated if the rear portion were not to be rebuilt the question became where to relocate the court. The site conditions were such that they would make the cost per square foot of a back portion replacement very expensive.

Council Member Kirby stated he would like to save the front, historic portion of the building and use it for a museum or other asset for downtown.

Council Member Elinski stated he hoped that in the future when city services were located elsewhere in Old Town, the current city facilities could still be a vital part of Main Street as shops.

Mayor Joens stated leasing historic properties such as these could be a source of revenue for the City.

Mr. Bartosh stated it was difficult to assess costs for any reconstruction of the back portion of the building due to not knowing what was underneath the floor and because of the topography and drainage issue. The amount of \$200,000 was probably conservative. Did we wish to invest that much money in a building of this age, he asked, and was there a better use of the building than as a court for which it already represented inadequate space.

Council Member Smith asked what was to be done with the back portion.

Mr. Lueder stated taking the building down was not a major issue since mold was not regarded as a hazardous substance. The architect and staff were concerned however that the removal of drywall would reveal wood which had rotted, in which case the walls would have to be removed and replaced entirely. It was structurally sound enough to stay in place after being sealed off until plans could be drawn up for its safe demolition.

Vice Mayor Pfeifer stated it would be best to move the court and get the mold issue with this building taken care of as soon as possible before it got any worse.

Mr. Bartosh stated the options were to temporarily move some of the court staff back into the front portion of the building while another location for the court was sought, or keep staff here and try to rebuild the back portion, or to look for another suitable building for the court.

Council Member Pratt stated rebuilding did not appear to be a good option.

Council Member Kirby stated two month's lead time was required by the court in order to move. There was no rush to make a decision now.

Mr. Bartosh stated a transition would take months.

Mayor Joens asked if there was a possibility that the State might prioritize our need to move equipment if there was an urgent need to do so.

Magistrate LaSota stated there might be a possibility of that.

Mr. Lueder stated the court staff could not be moved easily to another temporary location because of specific computer and security requirements.

Council Member Kirby stated everyone agreed this building would no longer be used for the court. Other options had to be considered.

Council Member Elinski stated we should move quickly since, realistically, the entire process of acquiring a new property, modifying it and transferring staff would more likely take about six months.

Council Member Pratt stated the best option would be to look at the Carpet One building because of its size, newness, and proximity to the other court. We should move quickly.

Mr. Lueder stated for clarification, Council's direction was to seal off the back of the current court building, bio clean, and ease congestion. He was prepared to discuss details of real property.

Mr. Bartosh stated Council Member Kirby had expressed a desire to look at other possibilities besides the Carpet One building.

Mr. Bartosh stated he looked at ten other buildings with an eye to location, parking, and current use in relation to the amount of work we would have to do to get it in shape to be used as a court. Nothing was comparable to the Carpet One building. Either locations were difficult to access or the current use would require extensive renovations to make it suitable for a court. With the Carpet One building, no demolition was required and it was only necessary to add new walls, which was much cheaper to do. Carpet One was the ideal choice from all aspects.

Mr. Lueder showed slides of other available properties which were not thought suitable for our needs and outlined the problems converting them to our purposes. The Carpet One building, in addition to having parking and being of a suitable size, had one of the lowest costs per square foot.

Mayor Joens stated the atmosphere of Old Town would be improved by having the court in a separate area.

Council Member Smith moved to pursue Carpet One and not look at any more now.

Mayor Joens stated legal advice was needed for directing staff on cost.

Council Member Kirby moved to resolve into executive session. Council Member Elinski seconded the motion, which carried unanimously.

At the end of discussion under executive session, Council Member Kirby moved to reconvene back into regular session. Motion was seconded by Council Member Pratt, and carried unanimously.

Mr. Lueder confirmed the direction given staff in that they would pursue negotiations for the Carpet One building and return with a formal offer for the Council to review.

#### ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Council Member Kirby, and carried unanimously. The special meeting adjourned at 7:35 p.m.

---

Diane Joens, Mayor